

# **New Hampshire State Guidance on Programs for English Learners**

## **Identification of English Learners**

1. All families must complete the current New Hampshire Home Language Survey at the time of a student's enrollment. *Please download the approved New Hampshire Home Language Survey from the "Program Documentation Forms" section of the ESOL webpage. [www.education.nh.gov/instruction/integrated/esol/index](http://www.education.nh.gov/instruction/integrated/esol/index) .*
2. The School District must provide an interpreter if a parent requests one, or if the need is obvious.
3. Home Language Surveys which indicate that a language other than English is spoken by the student or in the home must be given to the ESOL teacher.
4. The ESOL teacher does an initial assessment (or "screening") of students with the W-APT or the MODEL, the required initial assessment in New Hampshire. *The W-APT may be downloaded at no charge from the [www.wida.us](http://www.wida.us) website. The MODEL may be purchased from WIDA at [www.wida.us](http://www.wida.us).*
5. The ESOL teacher scores the W-APT or MODEL and determines if students are eligible for English language acquisition instructional services. *Please see guidance from the NHDOE Assessment Bureau on cut scores which indicate eligibility for such educational services. <http://tiny.cc/13gja>.*
6. The ESOL teacher must notify parents of their child's eligibility status within the required time limits *See "Parental Notification" section.*
7. The School District should file the Home Language Surveys and W-APT/MODEL scores in students' cumulative folders. The ESOL teacher should keep a copy of each document for all eligible English Learners in the EL working files.
8. Data on eligible students must be entered in the State ESOL Fall and/or Mid-year roster report by the ESOL teacher or an administrator who is familiar with the local program for English Learners.

## **Placement of Students**

1. The School District must place English Learners in classrooms with their age-peers or, in exceptional situations, within one year of their age-peers.
2. Students who score at an "Entering" or "Emerging" level on the W-APT or MODEL may be placed in a self-contained class for English Learners for a limit of one year. If such students have had interrupted formal education, or if they enrolled after the beginning of the school year. They may remain in a self-contained EL classroom for 1.5 years.

## **Parental Notification**

1. The School District must send parents a letter which indicates a student's eligibility for the

local program for English Learners within 30 days of the beginning of the school year, or within 14 days if the student enrolls later in the year. *Please use the parental notification template (together with a permission form) listed under “Program Documentation Forms” on the ESOL webpages. Title III School districts should use the template entitled “Title III Initial Parental Notification”.* [www.education.nh.gov/instruction/integrated/esol/index](http://www.education.nh.gov/instruction/integrated/esol/index)

2. The School District must provide an oral interpretation or a translation of required parental notifications if requested by parents or if the need is obvious.
3. Parents have the right to enroll their child in the program or to decline the instructional Services for English Learners.
4. The ESOL teacher should file the written response/permission form from parents in the student’s cumulative folder and keep a copy in the EL working file.
5. Parents may choose to remove a student from the program for English Learners at any time. Likewise, they can choose to re-enroll the student in the program if the student is still eligible for services.
6. The School District must send parents an annual letter which indicates the continuing placement of eligible students in the program for English Learners. This can be efficiently accomplished by including the placement letter with the annual ACCESS for ELLs® test score report. *An Annual Placement template is listed under “Program Documentation Forms” on the ESOL webpage.* [www.education.nh.gov/instruction/integrated/esol/index](http://www.education.nh.gov/instruction/integrated/esol/index)
7. When a student achieves proficiency in English, as measured by qualifying ACCESS for ELLs® test scores, the School District must notify parents of the student’s transition into “Monitored Status”, and explain that no ESOL instruction will be provided during this two-year period. This can be done in conjunction with sending parents the student’s ACCESS scores

## **Assessment of English Learners**

A qualified ESOL teacher must assess all eligible English Learners (including students enrolled in the ESOL program, students whose parents declined services for ELs, and students for whom no ESOL teacher was available) annually with the ACCESS for ELLs® test in the four domains of listening, speaking, reading, and writing. *(For more information on the annual assessment, please click on the ACCESS for ELLs® link on the NHDOE Assessment website.* <http://tiny.cc/13gja>.

2. The School District sends score reports to parents.
3. The School District files a copy of the score reports in English Learners’ cumulative folders. The ESOL teacher files copies of score reports in the EL working files.
4. It is recommended that ESOL teachers informally assess progress in second language acquisition at least three times a year. See [www.wida.us](http://www.wida.us) for suggestions regarding formative assessment.
5. Students enrolled for less than one full academic year are exempt from taking the

Reading/Language Arts portion of the State content assessment. However, they must Participate in the Math and Science assessments.

### **Monitoring & Exit**

1. Students transition to monitored status for two years upon attainment of proficiency in English, as measured by the ACCESS for ELLs<sup>®</sup> test.
2. No ESOL instructional services can be provided during the monitoring period.
3. ESOL teachers should check students' progress quarterly (or three times a year, based on the district's reporting cycle) by reviewing grades on report cards.
4. If an English Learner does not receive grades of C or better and low grades are related to second language acquisition, he or she may be re-entered in ESOL program with parental permission. Upon attainment of proficiency on the ACCESS for ELLs<sup>®</sup> test, the student returns to monitored status.
5. The ESOL teacher should document a student's monitored status in the cumulative folder, as well as in the EL's electronic or paper-based working file.
6. When a student successfully completes the two-year monitoring period, he or she officially exits the ESOL program. Documentation of this fact should be clearly noted in the student's cumulative folder, as well as in the electronic or paper ESOL files.

### **Instructional Program**

1. The School District must develop a comprehensive educational program that addresses the English language acquisition needs of its identified English Learners.
2. .The overall goal of a program is to provide ESOL instruction of sufficient intensity that English Learners can successfully access the mainstream curriculum.
3. The local ESOL instructional program must be offered to all English Learners in K-12, regardless of the number of eligible students.
4. A School District may choose and implement one or more models for providing ESOL instruction that will meet the second language acquisition needs of its enrolled English Learners. Choices include: small group or individual pull-out program, ESOL instruction in the mainstream classroom, a self-contained (magnet) classroom for a limited period of time, and sheltered instruction in the mainstream classroom. Consider how the ESOL schedule can be coordinated with required content courses for English Learners.
5. Curriculum for the district's ESOL students should be appropriate for all levels of English proficiency, based on research, respectful of English Learners' diverse cultures, and aligned with WIDA English Language Development Standards and Common Core State Standards.
6. Intensity of ESOL instruction should match each student's level of proficiency in English. Recommended intensity of instruction for newcomers ("Entering") and beginners ("Emerging") should receive at least 2 hours (class periods) of ESOL instruction per day.

Early intermediate (“Developing”) and intermediate (“Expanding”) level students should receive at least 1 hour (class periods) per day. For more advanced students (“Bridging”), instruction should focus on remaining area(s) in which the students have scored 4.0 or lower on the ACCESS test. Instruction may vary between one hour (class period) per day and one hour per week, depending on individual need.

7. The ratio of ESOL teachers (who are based in one school only) to English Learners should be equivalent to the ratio of classroom teachers to all other students at elementary, middle, and high school levels in the school district. The ESOL teacher-student ratio may need to be adjusted downward when ESOL teachers travel to two or more schools, when “newcomers” enroll, and in situations where students cannot be clustered in small groups for ESOL instruction.

8. ESOL teachers and classroom/content teachers should collaborate regularly to provide instruction that is appropriate for English Learners’ respective levels of proficiency and aligned with the mainstream curriculum.

9. The School District is required to purchase materials, equipment, and supplies for their ESOL program with district funds. Local funds must also be used to hire ESOL teachers, tutors, coordinator, and/or paraprofessionals.

10. Paraprofessionals may only reinforce the core English acquisition instruction that is provided by a certified ESOL teacher. Lessons should be planned under the supervision of an ESOL teacher.

11. ESOL instruction for K-12 eligible students should take place during regular school hours.

12. Eligible preschoolers must be served only if the local preschool is public, free and open to ALL preschoolers in the district (not just a preschool for children with special needs or a Title I preschool).

13. English is the official language of instruction in New Hampshire. This rule applies to ESOL instructional services as well as mainstream classes. *Note: a school district may request a waiver from this rule from the State Board of Education.*

## **Equitable Access and Resources**

1. English Learners must have access to the full school curriculum (both required and elective courses) while they are enrolled in the ESOL program.

2. ELs must be able to participate in “specials” (art, music, physical education, library, technology), school activities, assemblies, clubs, sports, and special events with all the other students.

3. ELs must have the opportunity to participate in special programs (e.g., Gifted and Talented, Advanced Placement courses, Title I, Special Education, etc.) if they meet the eligibility requirements.

4. Counseling services provided to ELs must be comparable to those available to all other students. This includes guidance on post-secondary education and training, entrance exams, and financial aid opportunities.

5. The quality of instructional facilities and services available to ELs must be comparable to those available to all other students.
6. The quality and quantity of instructional materials for ESOL instruction must be comparable to those provided to all other students and teachers.

### **High School Graduation**

1. English Learners must be able to earn sufficient credits to graduate within a reasonable amount of time.
2. ESOL classes should have credit-bearing status and be listed in the high school catalog of instructional offerings.
3. English Learners have the right to enroll in school until they reach the age of 21.

### **Special Education**

1. The School District must develop a clear procedure for identifying ELs who may be in need of special education services.
2. To avoid over-identification of English Learners with special education needs, it is essential to distinguish between students with language differences and students with learning challenges or disabilities.
3. Testing instruments used to evaluate ELs for language dominance or special education placement must be valid and reliable for English Learners, and must be administered by qualified evaluators.
4. The School District must notify parents of their rights and responsibilities in the language they can best understand. (*Procedural Safeguards are now available in 10 languages. The documents are available on the NHDOE Special Education website.*)  
[www.education.nh.gov/instruction/special\\_ed](http://www.education.nh.gov/instruction/special_ed)
5. The School District should identify and place all ELs who qualify for special education services in a timely manner.
6. To meet the specific language acquisition and special education needs of identified ELs, the School District should ensure collaboration of ESOL teachers and special educators, and coordination of their respective programs.

### **Other Educational Services**

1. If an English Learner qualifies for additional services, such as Title I supplemental instruction, tutoring, and/or Special Education services, the district or school may not choose or limit the program(s) in which the student is entitled to enroll. In addition, the ESOL program cannot substitute for other educational services for which the student may qualify. Likewise, SPED and/or Title I services cannot substitute for ESOL services.

## Qualified Staff

1. Teachers who provide instruction in English language acquisition should have an ESOL endorsement. If a certified ESOL teacher cannot be found, the district should hire a teacher who can obtain a Statement of Eligibility and pursue ESOL certification through the Alternative IV ESOL certification option.  
<http://www2.ed.gov/about/offices/list/ocr/docs/lau1991.html>.
2. Middle School and High School content classes that are designed for ELL students should be taught by certified ESOL teachers who are Highly Qualified in their respective content area(s). Certified ESOL teachers who work in Elementary Schools AND provide core content instruction (magnet classes) should be Highly Qualified in Elementary Education.
3. Only certified ESOL teachers administer the W-APT and ACCESS for ELL® assessments. Teachers must complete ACCESS training, offered by the NHDOE or WIDA, to become certified to administer these tests.
4. ESOL teachers, tutors, and paraprofessionals should be evaluated by school district personnel who are knowledgeable about ESOL theory, teaching strategies, and culturally-diverse students.

## Professional Development

1. The district must provide or fund at least one professional development activity per year for its full-time and part-time ESOL teaching staff. This may include regional conferences, online webinars, and workshops at the NHDOE, as well as local training opportunities.
2. Professional development related to ESOL instructional strategies and/or cultural competency should also be provided yearly for school faculty, staff and administrators.

## Local Compliance Plan

1. The federal Office of Civil Rights states that every School District/SAU must write a comprehensive local plan (also known as a *LAU* plan) for English Learners in grades K-12. The plan should be developed by an educational team which includes the local ESOL Coordinator/certified ESOL teacher. <http://www.ed.gov/about/offices/list/ocr/qa-ell.html>.
2. The compliance plan must address the following topics and provide detailed information on local implementation. (*Please see <http://www2.ed.gov/about/offices/list/ocr/ell/index.html>.*)
  - Selecting the educational approach and setting goals
  - Identification and placement of potential English Learners
  - Assessment of ELs
  - Program of instructional services for ELs
  - Staffing and resources
  - Transition from ESOL services and monitoring performance
  - ELs and other educational programs
  - Program evaluation, review, and improvement/revision

3. When writing the local plan, the School District/SAU should use the State guidance contained in this document to develop the content for each topic listed above.

4. A copy of the completed plan must be sent to the NHDOE ESOL office for approval.

5. The local compliance plan must be updated periodically to reflect changes in State or federal policy, or changes in the local program for English Learners.

### **Office of Civil Rights**

1. The regional OCR office is located in Boston, MA. The current director is Thomas Hibino. Phone: 617-289-0011.

1. In the NH Department of Education, Mariane Gfroerer can provide more information about civil rights. Email: [Mariane.Gfroerer@doe.nh.gov](mailto:Mariane.Gfroerer@doe.nh.gov). Phone: 271-6691.